

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. The petitioner was accepted as a VR client and after some initial psychiatric evaluations, was exempted from the RUFA work requirements. VR has begun its work with the petitioner in assisting her with applying for SSI benefits.

To date, no plan for employment has been developed for her although VR agrees that the petitioner has a significant barrier to employment due to anxiety.

3. The petitioner asked her VR counselor to assist her in obtaining a car because she lives a way out of town. The counselor told her he would do what he could but that it was not a priority to obtain transportation for persons unless needed in employment. He said he would submit her name to a local non-profit organization for a car but doubted she would be approved both because she is not yet beginning employment and because her driver's license was suspended by another state for the failure to pay traffic fines.

4. The petitioner was not approved by the non-profit as the VR counselor had feared. In order to assist the petitioner in overcoming the driver's license obstacle, the VR counselor offered to help her to get her license reinstated. He was successful in getting the fines reduced to \$260 and wrote the petitioner to tell her that he would "try to find a way to assist [her] in finding a source for those funds . . . when time permits." He emphasized that assisting her in getting a car was not his current primary function as her VR counselor because she was not nearing entry into the workforce.

5. The petitioner appealed VR's actions saying that VR should pay her traffic fines and obtain a car for her. She also revealed at the hearing that her SSI application had recently been denied and feels that her VR counselor lied to her about her eligibility for those benefits. Subsequent to the hearing, DAD advised the petitioner that it had notified her VR counselor about the denial and that he would assist her in filing a first level appeal with the Social Security Administration.

ORDER

The decision of the Department of Aging and Disabilities is affirmed.

REASONS

The petitioner appears to be in the development phase of an individualized plan for rehabilitation under the VR program. See 29 U.S.C. § 722(b), 34 CFR 361.45. At present, VR is assessing and evaluating her disability and assisting and supporting her in obtaining disability benefits to support her while she is rehabilitated for work. Based on her psychiatric recommendations, her counselor had advised her that she should apply for SSI benefits. She was assisted by the counselor who helped her to file the application and who

wrote a report in support of her eligibility. The VR counselor does not make the eligibility determination for this program, rather it is made by the federal Social Security Administration. Now that the VR counselor is aware of the denial, he will assist the petitioner in filing a first level appeal.

DAD's VR Manual states that it will assist a client with the purchase of a vehicle if, among other criteria, it is "the most cost effective alternative, including relocation, of completing the work objective", "the person is job ready" and the operator has a "valid driver's license." VR Manual, Section II (D). The petitioner does not yet have a written plan establishing a work objective, has undergone no programs to make her work ready and does not have a driver's license. She is, therefore, not yet a candidate for vehicle purchase under the regulations. It appears that her VR counselor took some steps to eliminate the driver's license obstacle in anticipation of the time when she is job ready. However, there is nothing in the regulation which would require VR to pay her traffic tickets. Her counselor has indicated a willingness to help her find a source for this funding, as time permits. However, the petitioner should realize that she cannot obtain a car through VR for purely personal use and

that VR has no funding source itself to pay her traffic tickets.

As DAD's decision is in accord with its regulations, the Board is bound to uphold the result. 3 V.S.A. § 3091(d). The petitioner is strongly encouraged to work with her VR counselor to file an appeal of her SSI denial and to contact legal aid for assistance with the legal aspects of her appeal. The petitioner is also advised to continue to work with VR to develop a written individual plan for employment under which she can be provided with specific services toward an employment goal.

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